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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/720,659
Filing Date	November 24, 2003
First Named Inventor	SIMONSON
Art Unit	3738
Examiner Name	
Attorney Docket Number	5976-23CIP

Sheet 2 of 5**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
<i>MA</i>		US- 4,773,402	09/27/1988	Asher et al.	
		US- 4,836,196	06/06/1989	Park et al.	
		US- 4,854,304	08/08/1989	Zielke	
		US- 4,887,595	12/19/1989	Heinig et al.	
		US- 4,887,596	12/19/1989	Sherman	
		US- 4,946,458	08/07/1990	Harms et al.	
		US- 4,950,269	08/21/1990	Gaines, Jr.	
		US- 4,987,892	01/29/1991	Krag et al.	
		US- 5,002,542	03/26/1991	Frigg	
		US- 5,005,562	04/09/1991	Cotrel	
		US- 5,024,213	06/18/1991	Asher et al.	
		US- 5,102,412	04/07/1992	Rogozinski	
		US- 5,127,912	07/07/1992	Ray et al.	
		US- 5,129,900	07/14/1992	Asher et al.	
		US- 5,133,717	07/28/1992	Chopin	
		US- 5,147,360	09/15/1992	Dubousset	
		US- 5,181,917	01/26/1993	Rogozinski	
		US- 5,209,752	05/11/1993	Ashman et al.	
		US- 5,246,442	09/21/1993	Ashman et al.	

FOREIGN PATENT DOCUMENTS

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

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<i>R</i>		US- 5,257,993	11/02/1993	Asher et al.	
<i>R</i>		US- 5,261,909	11/16/1993	Sutterlin et al.	
<i>R</i>		US- 5,282,801	02/01/1994	Sherman	
<i>R</i>		US- 5,282,901	02/01/1994	Reinhard	
<i>R</i>		US- 5,312,404	05/17/1994	Asher et al.	
<i>R</i>		US- 5,415,661	05/16/1995	Holmes	
<i>R</i>		US- 5,437,669	08/01/1995	Yuan et al.	
<i>R</i>		US- 5,437,670	08/01/1995	Sherman et al.	
<i>R</i>		US- 5,474,551	12/12/1995	Finn et al.	
<i>R</i>		US- 5,498,262	03/12/1996	Bryan	
<i>R</i>		US- 5,549,608	08/27/1996	Errico et al.	
<i>R</i>		US- 5,554,157	09/10/1996	Errico et al.	
<i>R</i>		US- 5,562,662	10/08/1996	Brumfield et al.	
<i>R</i>		US- 5,569,247	10/29/1996	Morrison	
<i>R</i>		US- 5,571,191	11/05/1996	Fitz	
<i>R</i>		US- 5,591,166	01/07/1997	Bernhardt et al.	
<i>R</i>		US- 5,611,800	03/18/1997	Davis et al.	
<i>R</i>		US- 5,672,175	09/30/1997	Martin	
<i>R</i>		US- 5,693,053	12/02/1997	Estes	

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		Number-Kind Code ² (if known)			
		US- 5,716,357	02/10/1998	Rogozinski	
		US- 4,743,280	05/10/1988	Burton	
		US- 5,800,435	09/01/1998	Erico et al.	
		US- 5,876,459	03/02/1999	Powell	
		US- 5,891,145	04/06/1999	Morrison et al.	
		US- Re. 36,758	06/27/2000	Fitz	
		US- 6,183,473 B1	02/06/2001	Ashman	
		US- 6,210,413 B1	04/03/2001	Justis et al.	
		US- 6,248,105 B1	06/19/2001	Schlapfer et al.	
		US- 6,328,739 B1	12/11/2001	Liu et al.	
		US- 6,413,257 B1	07/02/2002	Lin et al.	
		US- 6,443,956 B1	09/03/2002	Ray	
		US- 2003/0004572 A1	01/02/2003	Goble et al.	
		US- 2003/0028250 A1	02/06/2003	Reiley et al.	
		US- 6,554,831 B1	04/29/2003	Rivard et al.	
		US- 6,565,565 B1	05/20/2003	Yuan et al.	
		US- 6,579,319 B2	06/17/2003	Goble et al.	
		US- 6,623,485 B2	09/23/2003	Doubler et al.	
		US- 6,648,887 B2	11/18/2003	Ashman	

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		WO03/101350 A1	12/11/2003	Reiley et al.		

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		SPINE-HEALTH.COM, "Facet Technologies," http://www.spine-health.com/research/discupdate/artificial/artificial06.html	
		ZIMMER SPINE, "DYNESYS; The Dynamic Stabilization System (U.S. only)," http://www.zimmerspine.com/spine/products/lumbar/dynesys/index	

Examiner Signature		Date Considered	11/9/06
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